

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation)	
)	
or Suspension of the Educator)	ORDER OF SUSPENSION
)	(BREACH OF CONTRACT)
Certificate of Kyle J. Buttram)	
)	
Certificate # 216526)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on Tuesday, February 10, 2004. On November 18, 2003, the State Department of Education (Department) sent Ms. Buttram a notice of his right to a due process hearing regarding the possible suspension of his South Carolina educator certificate (certificate) by certified mail, return receipt requested, delivery restricted to addressee. Ms. Buttram failed to claim the letter, and it was returned to the Department on December 16, 2003. On December 30, 2003, the Greenville County Sheriff's Department (Sheriff's Department) served by civil process the Department's notice letter upon Ms. Buttram, as evidenced by an Affidavit of Service of the Sheriff's Department. Ms. Buttram did not request a hearing during the period allowed by law, and is now in default. After considering the evidence presented, which was undisputed by Ms. Buttram, the State Board voted to suspend Ms. Buttram's certificate for a period of one year.

Ms. Buttram holds a valid certificate, and was a first year art teacher at Travelers Rest High School in the Greenville County School District (District). On October 14, 2003, Ms. Buttram notified the principal at Travelers Rest High School of her intention not to return for the 2003-2004 school year, effective October 28, 2003, citing the size of her classes, the varied skill levels of her students, and her heavy workload. On October 28, 2003, the District Superintendent wrote Ms. Buttram a letter advising her that her resignation did not meet board policy, and that a one-year suspension of her certificate would be

recommended to the State Board of Education. Ms. Buttram did not return to the classroom. On November 11, 2003, the District Board voted to file a complaint against Ms. Buttram with the State Board requesting a one-year suspension of her certificate for breach of contract.

CONCLUSIONS OF LAW

The State Board may suspend the certificate of any person for breach of contract. S.C. Code Ann. § 59-25-530 (1990). Unprofessional conduct includes breach of contract. S.C. Code Ann. § 59-25-160 (1990); 24 S.C. Code Regs. 43-58 (1992). The State Board finds that there is conclusive evidence supporting its decision to suspend Ms. Buttram's certificate # 216526 for a period of one year from February 10, 2004, through February 9, 2005, on the ground of unprofessional conduct due to breach of contract. At the end of the suspension period if Ms. Buttram wants her certificate reinstated, she may make a written request for reinstatement to the Office of Teacher Certification of the Department.

South Carolina State Board of Education

By: /S/ Mary E. Jones

Dr. Mary Jones, Chair

Columbia, South Carolina

February 10, 2004